

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

G&L REBAR, INC., a California  
corporation,

No. C 04-5268 FMS

**ORDER STAYING ACTION**

Plaintiff,

v.

NAVIGATORS INSURANCE  
COMPANY, a New York corporation,  
and DOES 1 through 50, inclusive

Defendants.

Plaintiff G&L Rebar, Inc. ("G&L") filed this action against Defendant Navigators Insurance Company ("Navigators") seeking liability insurance benefits for defense costs and indemnity regarding an underlying lawsuit. Parties state that on January 6, 2004, Navigators agreed to defend G&L in the underlying lawsuit, but after an investigation of the facts and allegations in that lawsuit, Navigators withdrew its defense on April 5, 2004. On or about April 18, 2005, after consideration of what Navigators believed to be newly discovered evidence and/or asserted allegations of damage to third party property arising out of the work of G&L, Navigators again agreed to defend G&L in the underlying lawsuits. Navigators also agreed to reimburse G&L for the defense fees and subsequent to its withdrawal of the defense on April 5, 2004. Trial in the underlying lawsuit has been continued until at least the fall of 2005 and may not proceed until early 2006.

1 Because Navigators is once again defending G&L, Navigators believes that the issue of  
2 whether Navigators owes any indemnity obligations under its policies is not ripe. Navigators  
3 requests that this action be stayed until resolution of the underlying lawsuit against G&L. G&L's  
4 position is that the case should move forward with respect to Navigators's breach of its duty to  
5 defend.

6 This Court has the inherent power to stay proceedings in order to control the disposition of  
7 the causes on its docket with economy of time and effort for itself, for counsel and for litigants. *See*  
8 *Landis v. North American Co.*, 299 U.S. 248, 254-255, 81 L. Ed. 153, 57 S. Ct. 163 (1936). Having  
9 considered the arguments of the parties, the Court orders that this action be STAYED until  
10 November 11, 2005.

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13 **IT IS SO ORDERED.**

14 Dated: May 13, 2005

/s/

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16 FERN M. SMITH  
17 UNITED STATES DISTRICT JUDGE  
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